

REMARKS

This response for request for reconsideration is in response to the Official Action dated December 20, 2004. Claims 1-19 remain in the application with Claims 1, 10 and 17 being the only independent claims. Favorable reconsideration, in view of the accompanying remarks, is respectfully requested.

In the Official Action, the Examiner has rejected Claims 1-16 under the provisions of 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,598,882 to Merrill in view of U.S. Patent No. 6,089,148 to Bloomer and further in view of U.S. Patent No. 5,861,181 to Thomas et al. These rejections are respectfully traversed in view of the following reasons.

Independent Claim 1 states in part:

"said safety block device including a generally upright column disposed adjacent said at least one guide post and moveable between a retracted non-working position, wherein said column does not support said moveable upper member, and an extended working position, wherein said column is effective to support said moveable upper member and prevent movement thereof"

The Examiner stated that Merrill teaches the basic structure of the press device, Bloomer teaches a safety block device including a generally upright stop column 15 and a removeable block 4 mounted on top of the stop column for the purpose of preventing the moveable upper member 2 from cocking relative to the guide posts 12, and Thomas et al. teaches the use of a moveable end portion for the stop column including a round first portion and a second flat portion.

However, Applicants respectfully submit that it would not be obvious to one of ordinary skill in the art to combine Bloomer with Merrill. Merrill discloses a rack mechanism 60 which prevents the cope 36 from cocking when it is moved away from the molded part (col. 5, lines 18-22 and col. 6, lines 17-24). In contrast, Bloomer discloses a safety stop block 4 which prevents downward movement of the ram 1 and the upper die shoe 2. The safety stop block 4 has nothing to do with preventing cocking of the cope 36. Therefore, there is no motivation, teaching or suggestion to

one of ordinary skill in the art to combine the teachings of these two patents and modify Merrill in view of Bloomer.

Unlike Applicants' invention as defined in Claim 1, Bloomer *does not disclose* a safety block device that is *moveable between a retracted non-working position*, wherein the column does not support the moveable upper member, and an *extended working position*, wherein the column is effective to support the moveable upper member and prevent movement thereof. In Bloomer, the safety stop block 4 is mounted on top of the die stop 15, which in turn is mounted on a fixed lower die shoe 13. When the safety stop block 4 is mounted on the die stop 15, it prevents downward movement of the ram 1 and the upper die shoe 2 (col. 2, lines 35-39). However, there is *no retracted non-working position* of the safety stop block 4 wherein it does not support the ram and upper die shoe. Whenever the safety stop block is used, it is in a working position. There are no extended and retracted positions; the safety stop block cannot be extended and retracted.

Moreover, Claim 1 states that the column is disposed adjacent to the guide post. In Bloomer, the safety stop block 4 and the die stop 15 are located a significant distance away from each of the guide posts 12, not adjacent to the guide posts. The operation of the safety stop block 4 is totally unrelated to the guide posts 12.

Furthermore, Applicants respectfully submit that it would not be obvious to one of ordinary skill in the art to combine the teachings of Thomas et al. with those of Bloomer. Thomas et al. does not disclose a safety block device for preventing movement of a moveable upper die member. Rather, the pivotable portion 70 of the conversion member 60 in Thomas et al. can be pivoted outward to create a space for exchanging the die blocks, and then pivoted back inward and locked in place for operation of the die. This function is totally different from that of the safety stop block in Bloomer. Therefore, there is no motivation, teaching or suggestion to one of ordinary skill in the art to combine the teachings of these two patents and modify Thomas in view of Bloomer.

Additionally, assuming it would be obvious to one of ordinary skill in the art to modify Merrill in view of Bloomer and further in view of Thomas, the resulting

modified Merrill reference does not disclose the invention as defined in Claim 1.

Claim 1 specifically recites that a safety block device includes a generally upright column having an upper end portion and a lower end portion “said lower end portion including a generally rounded first portion and a generally second flat portion which is slightly offset with respect to said first portion whereby when said safety block device is in the extended working position, said generally flat second portion of said lower end portion of said column rests firmly on an underlying surface of either said safety block device or said fixed lower member”. This is important for the reason discussed in the specification beginning on page 11, line 9 where it states “The illustrated preferred embodiment of the U-shaped column 42 of the safety block device 40 of this invention is best viewed in Figs. 4A and 4B and has several unique features in accordance with this invention and which allow it to serve under heavy loads in a large press device. In addition, a lower or bottom portion of the column 42 is created with a cam like mechanism. To accomplish this in the illustrated embodiment, the bottom portion of the column 42 has a generally rounded first portion 62a and a generally second flat portion 62b which is slightly offset or spaced apart a distance X with respect to the first portion 62a by a step, indicated generally at 62c. As shown in Fig. 4b, in the illustrated embodiment the step 62c preferably extends coaxially along a vertical axis Y of the bore 42a of the column 42. Thus, as shown in Fig. 4D, when the safety block device 40 is in the extended working position to support the movable platen 22 in its raised position and prevent the movement thereof, the generally flat second portion 62b of the column 42 rests firmly on an underlying surface S, which may be either the base plate 12 of the casting assembly 10 or the base 44 or 50b of the device 40. Thus, the load on the column 42 is transferred directly to the base 44 or 50b or base plate 12 via the second portion 62b of the column, thereby relieving strain which would otherwise be transferred to the pivot pin 46. However, as the column 42 pivots into the retracted non-working, the generally rounded first end 62a and the step 62c function to allow the column 42 to move freely without any part of the bottom portion of the column 42 engaging or locking with the underlying surface S of either the base plate 12 or the base 44 or 50b, as shown in Fig. 4C.” Although the Examiner

states that Thomas discloses a stop column having a round first portion and a second flat portion, such a column in Thomas is clearly not the same or equivalent – in its function, operation and/or location – as the column discussed above in the Applicants invention and as claimed in Claim 1. Thus, not only is there no motivation or teaching to modify Merrill as proposed by the Examiner but it is also not apparent how one would be able to modify Merrill with the teachings of Bloomer in view of Thomas as suggested by the Examiner. Thus, clearly, none of the cited references, alone or in combination, including the modified Merrill reference, discloses or suggests such safety block device structure as recited above in Claim 1. Accordingly, it is believed that Claim 1, along with dependent Claims 2-9, are patentable over the cited references.

Independent Claim 10 contains similar limitations to that of Claim 1. Thus, for those reasons discussed above with respect to Claim 1, it is believed that Claim 10, along with dependent Claims 11-16, are patentable over the cited references.

Claims 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomer in view of Thomas et al. Independent Claim 17 contains similar limitations to that of Claim 1. Thus, for those reasons discussed above with respect to Claim 1, it is believed that Claim 17, along with dependent Claims 18 and 19, are patentable over the cited references.

In view of the above remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks place the application in condition for allowance, or if the Examiner has any comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of a final action by the Examiner.